

ARTICLE 20

LEAVE

1. Annual Leave:

- a. Annual leave is a benefit and accrues automatically. However, supervisors approve when the leave may be taken. This decision is made after considering the needs of the Forest Service and the employee's request. Annual leave requests shall be approved except for legitimate job-related reasons. Annual leave should be requested and approved as far in advance as practical. Procedures for scheduling annual leave are subject to negotiation at the local level.
- b. An employee whose personal, religious beliefs require the abstention from work during limited periods of time will be granted annual leave (or credit hours, compensatory time off, leave without pay) upon request for such periods, unless the presence of the employee is necessary for efficient operation of the workplace. Upon request, an employee may be granted work for the sole purpose of accumulating compensatory time to cover time lost for meeting those religious requirements, as long as such work is consistent with the efficient operation of the workplace. Compensatory time for religious observation is covered in 5 CFR 550.1002.
- c. An employee will be granted accrued annual leave or leave without pay (or credit hours, compensatory time off) if requested in case of death of a family member. A limited amount of sick leave may also be used (See Section 2.c. below). Management will make every effort to grant annual leave or leave without pay in case of death of other relatives or friends.
- d. An employee will be granted a total of up to 12 weeks of a combination of annual leave and/or leave without pay during any 12-month period to care for a "family member" as defined at 5 CFR 630.201 in the event they have a

“serious health condition” as defined at 5 CFR 630.1202. If required by the nature of the health condition, leave will be granted on an intermittent basis.

2. Sick Leave:

a. Sick-leave notification:

(1) The employee shall provide advance notice for prearranged medical, dental, or optical examination or treatment.

(2) An employee who is absent due to unforeseeable illness or injury shall notify their supervisor or acting supervisor as early as practicable on the first day of such absence, or, if unable for a legitimate reason, as soon as possible.

b. Earned sick leave may be used for medical appointments and for illness of the employee. An explanatory note and/or oral report by the employee when a physician’s services were not required will be accepted unless the employee is under valid sick leave restriction or there is a reasonable suspicion of abuse. Advanced sick leave may be approved for serious illness or disability per Forest Service Handbook (FSH) 6109.11, chapter 30.

c. If there is reasonable indication that sick leave is being abused, the employee shall be informed in writing, including special provisions for future leave approval and his or her right to grieve. Abuse of sick leave is not necessarily related to the frequency of sick leave. In cases of suspected leave abuse, the employee may be required to provide a “medical certificate” as defined by 5 CFR 630.201.

d. Sick leave will be granted when the employee provides care for a family member who is incapacitated by a medical or mental condition or attends to a family member receiving medical, dental, or optical examination or treatment. Sick leave can also be used to make arrangements necessitated by the death of a family member or attend the funeral of a family member. The amount of sick leave that can be used is limited by law and regulation, as defined by 5 CFR 630.401(b).

- e. Sick leave will be granted when the employee provides care for a family member with a serious health condition, as defined at 5 CFR 630.1202. The amount granted shall be no greater than that limited by governmentwide regulations, as defined by 5 CFR 630.401(c).
- f. The use of sick leave is appropriate when the employee would, as determined by the health authorities having jurisdiction or by a health-care provider, jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.
- g. Employees may use sick leave when they must be absent from duty for purposes relating to the adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.
- h. In addition to sick or annual leave, employees may be granted, in a calendar year, up to 7 days of administrative leave to serve as a bone-marrow donor or up to 30 days of administrative leave to serve as an organ donor.
- i. For sick leave, the definition of family member means the following relatives of the employee:
 - (1) Spouse, and parents thereof.
 - (2) Children, including adopted children and spouses thereof.
 - (3) Parents.
 - (4) Brothers and sisters, and spouses thereof.
 - (5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
 - (6) Any other individuals as described in 5 CFR 630.201(b), if amended.

3. Maternity and Paternity Leave:

- a. The granting of leave for maternity/paternity reasons may be a combination of sick leave, annual leave, and leave without pay. An employee should make

known his or her intent to request leave under this section as soon as practical, including approximate dates.

b. Medically necessitated maternity/paternity leave:

- (1) Pregnancy and childbirth are treated like any other “serious health condition” as defined by 5 CFR 630.1202.
- (2) A pregnant employee will be allowed to work as long as she and her health-care provider feel is wise, prior to delivery of the child. The maternal employee should consult her health-care provider regarding any working conditions that she or her supervisor perceives as potentially harmful. Management will make a reasonable effort to adjust working conditions when necessary.
- (3) The agency will grant leave to an employee incapacitated to perform the duties of her position due to pregnancy or childbirth (see Section 2(b) and Section 4).
- (4) The agency will grant leave (including sick leave) to an employee to care for a family member during the mother’s period of “incapacitation” (as defined in 5 CFR 630.1202) due to pregnancy or childbirth. The agency will also grant leave for an employee to care for his/her child with a serious health condition (see Section 2(e) and Section 4).
- (5) Continued employment will be ensured in the same or like position for an employee who wishes to return to work, unless termination is otherwise required by termination of appointment, reduction in force, or other unrelated reason.

c. Employees will be granted, upon request, 12 weeks of leave without pay and/or annual leave in the year following the birth or placement of the employee’s or their domestic partner’s child. Upon request, leave without pay or annual leave on an intermittent schedule will be granted consistent with the efficient operation of the workplace.

d. An employee covered under this section may request telecommuting (see FSM 6162) or “child at work” arrangements in lieu of or in addition to

subsections b. and c. above within the first year of birth or placement of a child covered under this section. Local parties may negotiate dependent-at-work policies.

4. Family and Medical Leave:

- a. By reference, the provisions of the Family and Medical Leave Act and the policies of its implementing regulations (5 CFR 630, Subpart L, Family and Medical Leave) are incorporated into this Master Agreement. Key components of the Act are contained in Section 2, Sick Leave, Section 3, Maternity and Paternity Leave, and this section.
- b. Eligible employees are entitled to a total of 12 administrative workweeks of unpaid leave during any 12-month period for one or more of the following reasons:
 - (1) The birth of a child or children of the employee and the care of such children.
 - (2) The placement of a child with the employee for adoption or foster care.
 - (3) The care of a spouse, child, or parent of the employee, if such spouse, child, or parent has a serious health condition.
 - (4) A serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position.
- c. The Department of Labor FMLA forms WH380-E (for employees) or WH380-F (for family members) will normally be used and are adequate for medical documentation.
- d. An employee may elect to substitute paid time off for any or all of the period of leave taken as provided for in 5 CFR 630.1205.

5. Military Leave:

- a. Military leave will be granted to employees who are members of the National Guard or Reserves in accordance with Title 5, United States Code, Section 6323. Such employees who are full-time Federal civilian employees whose

appointments are not limited to 1 year will be granted 120 hours of military leave per fiscal year. Military leave is prorated for part-time career employees and employees on uncommon tours of duty. Employees with temporary appointments that do not exceed 1 year or with intermittent work schedules are not entitled to military leave. Military leave can be used for active duty or training. Unused military leave may be carried over to the following fiscal year but may never exceed 240 hours in any single fiscal year.

- b. If an employee is called on duty as a member of the National Guard or the Reserves and has used all his or her military leave, he or she may be granted leave without pay upon request or may be granted annual leave if he or she desires. Use of alternate work schedule for military duty may be negotiated at the appropriate level.

6. Excused Absence:

- a. Excused absences may be granted to employees for participation in activities in accordance with Agency regulations or subordinate agreements.
- b. Excused absences may also be granted when the activity shuts down due to circumstances beyond Management's control for short periods of time. Instances involving severe snowstorms, floods, excessive heat, lack of heat or electricity, breakdown of equipment, and similar events may be covered by this type of absence. Procedures for implementing hazardous weather or other group dismissal policies will be negotiated upon request by the Local Union.
- c. Supervisors have the option to excuse infrequent absences and tardiness of less than 1 hour on the part of the employees. Each case shall be considered on its merits.
- d. Employees may be excused for the time needed to attend the local (normal commuting area) funeral services of a fellow employee.

7. Care-Center Visitations: Annual leave or leave without pay will be approved to allow a parent or guardian the opportunity to visit and analyze the day-care,

classroom, or elderly-care facility of a dependent. The amount of leave authorized will be appropriate to the situation.

8. Leave Without Pay:

- a. Employees who do not have leave to their credit and wish to take leave for emergencies or other necessities may be granted leave without pay upon request. Denials must be based on legitimate job-related reasons. Employees may also be granted leave without pay upon request if they have leave to their credit, but, for valid reasons, choose not to take it.
- b. Leave without pay shall be granted upon request to disabled veterans needing medical treatment, examination, or absence from duty in connection with their disability, and to reservists and National Guard personnel for military duties.
- c. Leave without pay may also be granted on an extended basis:
 - (1) For educational purposes.
 - (2) While awaiting action on a retirement.
 - (3) While awaiting action on an Office of Workers' Compensation Programs claim.
- d. Granting advanced sick leave or advanced annual leave in lieu of leave without pay will be examined in each individual case and may be granted in accordance with FSH 6109.11, Chapter 30.

9. Court Leave:

- a. Employees who are called for jury duty shall notify the Agency as early as possible and will be granted court leave. Employees will submit jury duty pay to the Forest Service, except the employee may retain payment received for expenses.
- b. Employees summoned to appear in a nonofficial capacity as witnesses in judicial proceedings involving the U.S. Government, the Government of the District of Columbia, or a State or local government on behalf of a party are

authorized to receive pay without charge to leave. Absences for employees summoned in cases involving only private parties may be covered by appropriate leave.

10. Holiday Leave: In areas where 7-days-a-week staffing is necessary, scheduling the use of holiday leave shall be fair and equitable. The procedures used are a matter for local negotiations.